

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1073
FINAL READING

Introduced by Thompson, 14; Aguilar, 35; Byars, 30;
Dw. Pedersen, 39; Preister, 5

Read first time January 14, 2002

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to occupant protection systems; to amend
2 sections 60-6,267, 60-6,268, and 71-1907, Revised
3 Statutes Supplement, 2000; to change provisions and
4 penalties relating to occupant protection systems; to
5 harmonize provisions; and to repeal the original
6 sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,267, Revised Statutes
2 Supplement, 2000, is amended to read:

3 60-6,267. (1) Any person in Nebraska who drives any
4 motor vehicle which has or is required to have an occupant
5 protection system shall ensure that:

6 (a) All children ~~under the age of five and weighing less~~
7 ~~than forty pounds up to six years of age~~ being transported in such
8 vehicle use a child passenger restraint system of a type which
9 meets Federal Motor Vehicle Safety Standard 213 as developed by the
10 National Highway Traffic Safety Administration, as such standard
11 existed on the effective date of this act, as of July 10, 1990, and
12 which is correctly installed in such vehicle; and

13 (b) All children ~~under the age of six years of age and~~
14 ~~less than sixteen years of age and weighing forty or more pounds~~
15 being transported in such vehicle use an occupant protection
16 system.

17 This subsection shall apply to every motor vehicle which
18 is equipped with an occupant protection system or is required to be
19 equipped with restraint systems pursuant to Federal Motor Vehicle
20 Safety Standard 208, as such standard existed on the effective date
21 of this act, except taxicabs, mopeds, motorcycles, and any motor
22 vehicle designated by the manufacturer as a 1963 year model or
23 earlier which is not equipped with an occupant protection system.

24 (2) Whenever any licensed physician determines, through
25 accepted medical procedures, that use of a child passenger
26 restraint system by a particular child would be harmful by reason
27 of the child's weight, physical condition, or other medical reason,
28 the provisions of subsection (1) of this section shall be waived.

1 The driver of any vehicle transporting such a child shall carry on
2 his or her person or in the vehicle a signed written statement of
3 the physician identifying the child and stating the grounds for
4 such waiver.

5 (3) The drivers of authorized emergency vehicles shall
6 not be subject to the requirements of subsection (1) of this
7 section when operating such authorized emergency vehicles pursuant
8 to their employment.

9 (4) The Department of Motor Vehicles shall develop and
10 implement an ongoing statewide public information and education
11 program regarding the use of child passenger restraint systems and
12 occupant protection systems and the availability of distribution
13 and discount programs for child passenger restraint systems.

14 (5) All persons being transported in a motor vehicle
15 operated by a holder of a provisional operator's permit or a school
16 permit shall use such motor vehicle's occupant protection system.

17 Sec. 2. Section 60-6,268, Revised Statutes Supplement,
18 2000, is amended to read:

19 60-6,268. (1) A person violating any provision of
20 subsection (1) of section 60-6,267 shall, ~~for a first offense,~~ be
21 guilty of an infraction as defined in section 29-431 and shall be
22 fined twenty-five dollars for each violation. The failure to
23 provide a child restraint system for more than one child in the
24 same vehicle at the same time, as required in such subsection,
25 shall not be treated as a separate offense.

26 ~~For a first offense, a person who is charged with a~~
27 ~~violation of such subsection, who does not have in his or her~~
28 ~~possession a child restraint system meeting the requirements of~~

1 Federal Motor Vehicle Safety Standard 213 as of August 26, 1983,
2 and who subsequently purchases or rents for a one-year period such
3 a system prior to his or her court appearance shall not, upon
4 presentation of proof of purchase or proof of rental for a one-year
5 period of such a system, have any fine imposed and shall not have
6 any points assessed against his or her driving record.

7 For a second or any subsequent offense, any person
8 violating such subsection shall be guilty of an infraction.

9 ~~(2)~~ A person who has acquired the statement authorized by
10 subsection ~~(2)~~ of section 60-6,267, but fails to show a peace
11 officer such statement when requested to do so, shall be guilty of
12 an infraction as defined in section 29-431 and shall be fined ten
13 dollars for each offense. The failure to produce a statement for
14 more than one child in the same vehicle at the same time shall not
15 be treated as a separate offense.

16 (2) ~~(3)~~ Enforcement of subdivision (1)(b) and subsection
17 (5) of section 60-6,267 shall be accomplished only as a secondary
18 action when an operator of a motor vehicle has been cited or
19 charged with a violation or some other offense.

20 Sec. 3. Section 71-1907, Revised Statutes Supplement,
21 2000, is amended to read:

22 71-1907. Any person furnishing foster care who is
23 subject to licensure under section 71-1902, when transporting in a
24 motor vehicle any children for whom care is being furnished, shall
25 use an approved child passenger restraint system for each child,
26 except that an occupant protection system as defined in section
27 60-6,265 may be used for any child ~~weighing forty or more pounds~~
28 six years of age or older.

1 Any person violating this section shall be guilty of an
2 infraction as defined in section 29-431 and shall have his or her
3 license to furnish foster care revoked or suspended by the
4 Department of Health and Human Services.

5 For purposes of this section, approved child passenger
6 restraint system shall mean a restraint system which meets Federal
7 Motor Vehicle Safety Standard 213 as developed by the National
8 Highway Traffic Safety Administration, as such standard existed on
9 the effective date of this act. ~~as of July 17, 1982.~~

10 Sec. 4. Original sections 60-6,267, 60-6,268, and
11 71-1907, Revised Statutes Supplement, 2000, are repealed.